

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2553 OF 2007
IN
FIRST APPEAL NO. 1701 OF 2007

Gopikumar Nair s/o Prabhakar Nair ..Applicant
V/s
M/s Dolee Pharmaceuticals Pvt.
Ltd., & Ors. ..Respondents.

Mr. J.A. Udaipuri i/b M/s Udaipuri & Co. for the
applicant.

Mr. G.B. Bhatt for respondent No.3.

CORAM : J.N. PATEL AND
A.A. SAYED, JJ.
DATE : 11TH SEPTEMBER, 2007

P.C.

1. Heard.

2. The Suit was filed by the Applicant for recovery of monies in respect of construction of factory of Respondent No.1- Company. The Trial Court exonerated the Respondent No. 1- Company, which is a separate legal entity and held the Respondent No.2 personally liable and directed Respondent No.2 to pay to the Applicant Rs. 13,59,139.52 Ps. plus interest @ 6% per annum.

3. We are informed that the Applicant has already

taken out execution proceeding against Respondent No.2.

4. We do not find any merit in the submissions of the learned Counsel for the applicant, which would persuade us to grant injunction against the Respondents not to sell the land which belongs to the Respondent No.-1 Company, as there is no decree passed against the Respondent No.1- company. The conclusions exonerating the Respondent No.1- Company were arrived at by the Trial Court after recording and appreciation of evidence. Moreover, the Respondent No.2 has already been proceeded against, in execution by the Applicant.

5. In the circumstances, no case is made out to grant injunction and the Civil Application is dismissed.

6. Ad interim Order granted on 11.7.2007 stands vacated.

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(J.N.PATEL, J.)

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(A.A. SAYED, J.)